IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

KNIFE RIVER CORPORATION -	§	
SOUTH,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	CIVIL ACTION NO. 3:21-cv-01344-B
ZURICH AMERICAN INSURANCE	§	
COMPANY and AMERICAN	§	
GUARANTEE AND LIABILITY	§	
INSURANCE COMPANY,	§	
	§	
Defendants.	§	

PLAINTIFF KRC'S NOTICE OF SETTLEMENT, MOOTNESS OF CASE/CONTROVERSY AND SUGGESTED STAY TO IMPLEMENT PARTIES' SETTLEMENT AND DISMISSAL FILINGS

Plaintiff Knife River Corporation - South ("KRC") respectfully submits this Notice of Settlement, Mootness of Case/Controversy and Suggested Stay to Implement Parties' Settlement and Dismissal Filings as follows:

- 1. **A settlement has now been reached.** All matters in controversy in the above-captioned litigation between Plaintiff KRC and Defendants Zurich American Insurance Company and American Guarantee and Liability Insurance Company have been settled via counsel-signed Tex. R. Civ. P. 11 type letter agreement between Plaintiff KRC and Defendants' insured in the underlying matter.
- 2. **Closing steps.** Counsel for the parties are in the process of finalizing the terms of a full-form written settlement agreement wherein both sides mutually agree to dismiss all claims asserted in the above-captioned litigation. The parties wish to conclude the settlement without burdening the Court with any additional filings and without incurring

unnecessary expense. Plaintiff KRC anticipates that the parties will be able to finalize the full written settlement agreement and submit dismissal papers within 30 days.

3. **Suggested stay to implement settlement.** Accordingly, Plaintiff KRC respectfully requests that the Court take notice of the parties' settlement as described *supra*, take notice of the mootness of the underlying case and controversy, and consider issuing a 30-day stay order (staying all proceedings and any and all deadlines including - without limitation - response and reply periods) to implement the parties' settlement agreement and submission of dismissal filings.

Dated: May 25, 2022 Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May, 2022, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic filing system sent a notice of electronic filing to the attorneys of record below who have consented in writing to accept this notice as service of this document by electronic means.

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